

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 698 – HB 792

April 14, 2015

SUMMARY OF ORIGINAL BILL: Codifies a new procedure by which the Governor will appoint appellate judges for a full term or to fill a vacancy. The appointed individual will be subject to confirmation by the General Assembly. Appellate judges will serve an eight-year term, at the end of which the judge will be subject to retention in a regular August election. If appointed to fill a vacancy, the appellate judge will serve until the next regular August election, unless appointed less than 30 days before the next regular August election, in which case the appointee will fill the vacancy until the regular August election in the next calendar year.

Creates a new special continuing committee within the General Assembly, the Judicial Confirmation Committee. The committee will be composed of 14 members of the General Assembly, including the chairs of the Senate Judiciary Committee, the House Civil Justice Committee, and the House Criminal Justice Committee.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$4,700/Each One-Day Meeting

SUMMARY OF AMENDMENTS (005354, 006424): Deletes 17-4-102(f) in Section 10 of the bill. There is no 17-4-102(f) in the bill. However, there is in Amendment 5354 that was added to the bill. For purposes of this memorandum, it is assumed that the amendment is amending the bill as amended by Amendment 5354.

Codifies a new procedure by which the Governor will appoint appellate judges for a full term or to fill a vacancy. The appointed individual will be subject to confirmation by the General Assembly. Appellate judges will serve an eight-year term, at the end of which the judge will be subject to retention in a regular August election. If appointed to fill a vacancy, the appellate judge will serve until the next regular August election, unless appointed less than 30 days before the next regular August election, in which case the appointee will fill the vacancy until the regular August election in the next calendar year.

The Governor shall provide written notice to the General Assembly promptly upon making an appointment. The chief clerks shall refer the notice to the appropriate standing committee of their house. The standing committees shall consider the governor's appointee and make a recommendation to their respective houses. A joint convention of the General Assembly shall be convened to vote on the confirmation within 60 days of (1) the date the chief clerks receive the Governor's notice if the General Assembly is in its annual legislative session when the notice is received; or (2) the date the next annual legislative session is convened if the General Assembly receives written notice while it is not in its annual legislative session.

Each house casts and tabulates its vote separately. The governor's appointed will be rejected unless both houses confirm the appointee by a vote of a majority of each house's members who are present and voting.

A judicial appointee is confirmed by default if the General Assembly fails to confirm or reject within 60 days of the applicable dates outlined above.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The bill as amended does not require a joint convention of the General Assembly to be convened any time outside of the General Assembly's annual legislative session.
- The bill as amended will not require additional per diem or travel to be paid to the members of the General Assembly.
- The standing committee of the General Assembly to which the appointee is referred may conduct an independent investigation of the appointee and may request the Tennessee Bureau of Investigation (TBI) to run a background check. According to the Legislative Administration, the average cost of a TBI background check is \$41. It is assumed that any background check requested by the standing committee will not result in a significant increase in state expenditures and can be accommodated within existing resources.
- According to the Secretary of State, the bill will not result in an increase in election costs as the retention elections will be conducted with other regular August elections.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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